

MODIFY

~~1 household member is not capable of providing such instruction, nursing
2 tasks may be performed by direct support staff pursuant to subparagraph
3 (vi) of this paragraph subject to the requirements set forth therein; or
4 § 2. This act shall take effect immediately and shall be deemed to
5 have been in full force and effect on and after April 1, 2024.~~

6

PART FF

7 Section 1. 1. Subject to available appropriations and approval of the
8 director of the budget, the commissioners of the office of mental
9 health, office for people with developmental disabilities, office of
10 addiction services and supports, office of temporary and disability
11 assistance, office of children and family services, and the state office
12 for the aging (hereinafter "the commissioners") shall establish a state
fiscal year 2024-2025 cost of

13 living adjustment (COLA), effective April 1, 2024, for projecting for
14 the effects of inflation upon rates of payments, contracts, or any other
15 form of reimbursement for the programs and services listed in paragraphs
16 ~~(i), (ii), (iii), (iv), (v), and (vi) of~~ subdivision ~~four~~five of
this

17 section. The COLA established herein shall be applied to the appropriate
18 portion of reimbursable costs or contract amounts. Where appropriate,
19 transfers to the department of health (DOH) shall be made as reimburse-
20 ment for the state share of medical assistance.

21 2. Notwithstanding any inconsistent provision of law, subject to the
22 approval of the director of the budget and available appropriations
23 therefore, for the period of April 1, 2024 through March 31, 2025, the
24 commissioners shall provide funding to support a ~~one and five-tenths~~
25 ~~percent (1.5%)~~two and eight-tenths and four-hundredths percent (2.84%)
cost of living adjustment under this section for all
26 eligible programs and services as determined pursuant to subdivision
27 ~~four~~five of this section.

28 3. Notwithstanding any inconsistent provision of law, and as approved
29 by the director of the budget, the ~~1.5~~2.84 percent cost of living
adjustment

30 (COLA) established herein shall be inclusive of all other cost of living
31 type increases, inflation factors, or trend factors that are newly
32 applied effective April 1, 2024. Except for the ~~1.5~~2.84 percent cost
of

33 living adjustment (COLA) established herein, for the period commencing
34 on April 1, 2024 and ending March 31, 2025 the commissioners shall not
35 apply any other new cost of living adjustments for the purpose of estab-
36 lishing rates of payments, contracts or any other form of reimbursement.
37 The phrase "all other cost of living type increases, inflation factors,
38 or trend factors" as defined in this subdivision shall not include
39 payments made pursuant to the American Rescue Plan Act or other federal
40 relief programs related to the Coronavirus Disease 2019 (COVID-19)
41 pandemic public health emergency. This subdivision shall not prevent the
42 office of children and family services from applying additional trend
43 factors or staff retention factors to eligible programs and services
44 under paragraph (v) of subdivision ~~four~~five of this section.

4. Each local government unit or direct contract provider receiving the
cost of living adjustment established herein shall use such funding to provide
a targeted salary increase of at least one and seven-tenths percent (1.7%) to
eligible individuals in accordance with subdivision six of this section.

Notwithstanding any inconsistent provision of law, the commissioners shall
develop guidelines for local government units and direct contract providers on
implementation of such targeted salary increase.

45 45. Eligible programs and services. (i) Programs and services funded,

46 licensed, or certified by the office of mental health (OMH) eligible for
47 the cost of living adjustment established herein, pending federal
48 approval where applicable, include: office of mental health licensed
49 outpatient programs, pursuant to parts 587 and 599 of title 14 CRR-NY of
50 the office of mental health regulations including clinic, continuing day
51 treatment, day treatment, intensive outpatient programs and partial
52 hospitalization; outreach; crisis residence; crisis stabilization,
53 crisis/respite beds; mobile crisis, part 590 comprehensive psychiatric
54 emergency program services; crisis intervention; home based crisis

1 intervention; family care; supported single room occupancy; supported
2 housing; supported housing community services; treatment congregate;
3 supported congregate; community residence - children and youth;
4 treatment/apartment; supported apartment; community residence single
5 room occupancy; on-site rehabilitation; employment programs; recreation;
6 respite care; transportation; psychosocial club; assertive community
7 treatment; case management; care coordination, including health home
8 plus services; local government unit administration; monitoring and
9 evaluation; children and youth vocational services; single point of
10 access; school-based mental health program; family support children and
11 youth; advocacy/support services; drop in centers; recovery centers;
12 transition management services; bridger; home and community based waiver
13 services; behavioral health waiver services authorized pursuant to the
14 section 1115 MRT waiver; self-help programs; consumer service dollars;
15 conference of local mental hygiene directors; multicultural initiative;
16 ongoing integrated supported employment services; supported education;
17 mentally ill/chemical abuse (MICA) network; personalized recovery
18 oriented services; children and family treatment and support services;
19 residential treatment facilities operating pursuant to part 584 of title
20 14-NYCRR; geriatric demonstration programs; community-based mental
21 health family treatment and support; coordinated children's service
22 initiative; homeless services; and promises zone.

23 (ii) Programs and services funded, licensed, or certified by the
24 office for people with developmental disabilities (OPWDD) eligible for
25 the cost of living adjustment established herein, pending federal
26 approval where applicable, include: local/unified services; chapter 620
27 services; voluntary operated community residential services; article 16
28 clinics; day treatment services; family support services; 100% day
29 training; epilepsy services; traumatic brain injury services; hepatitis
30 B services; independent practitioner services for individuals with
31 intellectual and/or developmental disabilities; crisis services for
32 individuals with intellectual and/or developmental disabilities; family
33 care residential habilitation; supervised residential habilitation;
34 supportive residential habilitation; respite; day habilitation; prevoca-
35 tional services; supported employment; community habilitation; interme-
36 diate care facility day and residential services; specialty hospital;
37 pathways to employment; intensive behavioral services; community transi-
38 tion services; family education and training; fiscal intermediary;
39 support broker; and personal resource accounts.

40 (iii) Programs and services funded, licensed, or certified by the
41 office of addiction services and supports (OASAS) eligible for the cost
42 of living adjustment established herein, pending federal approval where
43 applicable, include: medically supervised withdrawal services - residen-
44 tial; medically supervised withdrawal services - outpatient; medically
45 managed detoxification; medically monitored withdrawal; inpatient reha-
46 bilitation services; outpatient opioid treatment; residential opioid
47 treatment; KEEP units outpatient; residential opioid treatment to absti-
48 nence; problem gambling treatment; medically supervised outpatient;
49 outpatient rehabilitation; specialized services substance abuse
50 programs; home and community based waiver services pursuant to subdivi-
51 sion 9 of section 366 of the social services law; children and family
52 treatment and support services; continuum of care rental assistance case
53 management; NY/NY III post-treatment housing; NY/NY III housing for
54 persons at risk for homelessness; permanent supported housing; youth
55 clubhouse; recovery community centers; recovery community organizing
56 initiative; residential rehabilitation services for youth (RRSY); inten-

1 sive residential; community residential; supportive living; residential
 2 services; job placement initiative; case management; family support
 3 navigator; local government unit administration; peer engagement; voca-
 4 tional rehabilitation; support services; HIV early intervention
 5 services; dual diagnosis coordinator; problem gambling resource centers;
 6 problem gambling prevention; prevention resource centers; primary
 7 prevention services; other prevention services; and community services.

8 (iv) Programs and services funded, licensed, or certified by the
 9 office of temporary and disability assistance (OTDA) eligible for the
 10 cost of living adjustment established herein, pending federal approval
 11 where applicable, include: nutrition outreach and education program
 12 (NOEP).

13 (v) Programs and services funded, licensed, or certified by the office
 14 of children and family services (OCFS) eligible for the cost of living
 15 adjustment established herein, pending federal approval where applica-
 16 ble, include: programs for which the office of children and family
 17 services establishes maximum state aid rates pursuant to section 398-a
 18 of the social services law and section 4003 of the education law; emer-
 19 gency foster homes; foster family boarding homes and therapeutic foster
 20 homes; supervised settings as defined by subdivision twenty-two of
 21 section 371 of the social services law; adoptive parents receiving
 22 adoption subsidy pursuant to section 453 of the social services law; and
 23 congregate and scattered supportive housing programs and supportive
 24 services provided under the NY/NY III supportive housing agreement to
 25 young adults leaving or having recently left foster care.

26 (vi) Programs and services funded, licensed, or certified by the state
 27 office for the aging (SOFA) eligible for the cost of living adjustment
 28 established herein, pending federal approval where applicable, include:
 29 community services for the elderly; expanded in-home services for the
 30 elderly; and ~~supplemental nutrition assistance~~
 wellness in nutrition
 program.

6. Eligible individuals.

Support staff, direct care staff, clinical staff, and non-executive
 administrative staff in programs and services listed in subdivision five of
 this section shall be eligible for the 1.7% targeted salary increase
 established pursuant to subdivision four of this section.

(a) For the office of mental health, office for people with developmental
 disabilities, and office of addiction services and supports, support staff
 shall mean individuals employed in consolidated fiscal report position title
 codes ranging from 100 to 199; direct care staff shall mean individuals
 employed in consolidated fiscal report position title codes ranging from 200
 to 299; clinical staff shall mean individuals employed in consolidated fiscal
 report position title codes ranging from 300 to 399; and non-executive
 administrative staff shall mean individuals employed in consolidated fiscal
 report position title codes 400, 500 to 599, 605 to 699, and 703 to 799.
 Individuals employed in consolidated fiscal report position title codes 601 to
 604, 701 and 702 shall be ineligible for the 1.7% targeted salary increase
 established herein.

(b) For the office of temporary and disability assistance, office of
 children and family services, and the state office for the aging, eligible
 support staff, direct care staff, clinical staff, and non-executive
 administrative staff titles shall be determined by each agency's commissioner.

31 ~~5~~7. Each local government unit or direct contract provider receiving
 32 funding for the cost of living adjustment established herein shall
 33 submit a written certification, in such form and at such time as each
 34 commissioner shall prescribe, attesting how such funding will be or was
 35 used to first promote the recruitment and retention of ~~non-executive~~

36 support staff, direct care staff, ~~non-executive direct support-~~
37 ~~professionals, non-exe-~~ cutive clinical staff, non-executive administrative staff, or respond to
38 other critical non-personal service costs prior to supporting any salary increases or other compensation for
39 executive level job titles.
40 68. Notwithstanding any inconsistent provision of law to the contrary,
41 agency commissioners shall be authorized to recoup funding from a local
42 governmental unit or direct contract provider for the cost of living
43 adjustment established herein determined to have been used in a manner
44 inconsistent with the appropriation, or any other provision of this
45 section. Such agency commissioners shall be authorized to employ any
46 legal mechanism to recoup such funds, including an offset of other funds
47 that are owed to such local governmental unit or direct contract provid-
48 er.
49 § 2. This act shall take effect immediately and shall be deemed to
50 have been in full force and effect on and after April 1, 2024.

51 ~~_____~~ PART GG

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52 ~~Section 1. Subdivision 29 of section 364-j of the social services law,~~
53 ~~as added by section 49 of part C of chapter 60 of the laws of 2014, is~~
54 ~~amended to read as follows:~~